

**REMARKS**

Claims 1-5 are all the claims pending in the application. Claims 1 and 5 have been amended to further define  $R^2$  of formula (2) and the organic diisocyanate other than naphthalene diisocyanate used in the process of producing the polycarbodiimide copolymer. Support for the amended can be found, for example, at pages 3-6 of the present specification.

Entry of the above amendment is respectfully requested.

**I. Response to Rejection of Claims 1-4 under 35 U.S.C. § 112, second paragraph**

Claims 1-4 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Specifically, the Examiner asserts that the language "high index of refraction" is subjective language and that it cannot be determined what quantitatively constitutes a "high index of refraction".

Applicants respectfully traverse the rejection and submit that the claims comply with 35 U.S.C. § 112, second paragraph.

To meet the requirements of § 112, second paragraph, the claims must be sufficiently definite for one to reasonably determine their scope. MPEP § 706.03(d). As currently written, the limitations of the claims are believed to be definite. That is, "high index of refraction" is a term of art understood by one of skill in the art of optical materials, such as lenses. In addition, at page 1, line 20, it is disclosed that the polycarbodiimide of the present invention has a higher refractive index than a general polycarbodiimide, and based on the Examples of the present specification, one example of such a high index of refraction is 1.738 (*see* Example 1). Therefore, it is respectfully submitted that one of skilled in the art would well be apprised of the scope of the invention.

In view of the above, withdrawal of the rejection is respectfully requested.

**II. Response to Rejection of Claims 1-5 under 35 U.S.C. § 102(e)**

Claims 1-5 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Uwada et al., Suehiro et al. or Naitou et al.

Without acquiescing in the merits of the rejection, it is respectfully requested that the cited references be removed as §102 references.

Uwada is effective as a §102(e) reference as of its February 2, 2004 filing date, which is after the priority date of February 10, 2003 of the present application. In addition, Suehiro is effective as a §102(e) reference as of its January 15, 2004 filing date, which is after the priority date of February 10, 2003 of the present application. Also, Naitou is effective as a §102(e) reference as of its July 11, 2003 filing date, which is after the priority date of February 10, 2003 of the present application.

Therefore, a sworn English translation of the priority document JP 2003-032929 supporting the elements of the present claims is submitted herewith to remove Uwada, Suehiro and Naito as references under 35 U.S.C. § 102(e).

In view of the above, it is respectfully requested that Uwada, Suehiro and Naito be removed as a reference, and that the rejection be withdrawn.

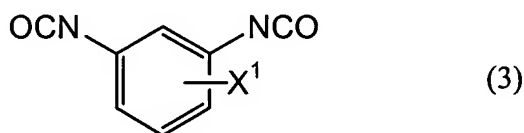
**III. Response to Rejection of Claims 1-5 under 35 U.S.C. § 103(a)**

Claims 1-5 are rejected again under 35 U.S.C. §103(a) as allegedly being unpatentable over Saito. The Examiner's reliance on Saito et al. is substantially the same as that set forth in the previous Office Action.

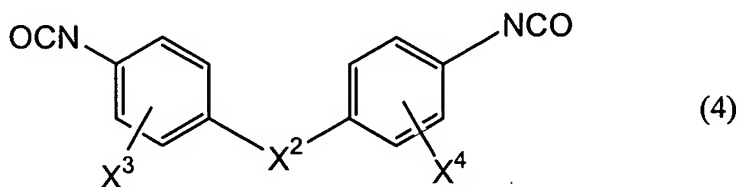
Applicants respectfully traverse the rejection and submit that Saito fails to teach or suggest the present invention for the reasons set forth in the previous responses.

In addition, claims 1 and 5 have been amended to further define the polycarbodiimide

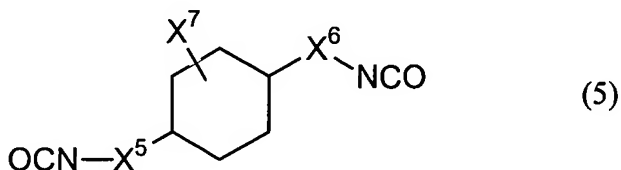
copolymer and the organic diisocyanate other than naphthalene diisocyanate used in the process of producing the polycarbodiimide copolymer. In the polycarbodiimide copolymer of the present invention, R<sub>2</sub> in formula (2) can be an organic residue of a diisocyanate selected from:



wherein X<sup>1</sup> represents an alkyl group having from 1 to 5 carbon atoms, an alkoxyl group or a halogen atom;



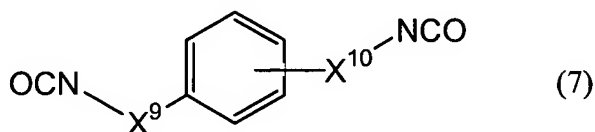
wherein X<sup>2</sup> represents a single bond, an alkylene group having from 1 to 5 carbon atoms, oxy group, sulfo group or sulfoxyl group, and each of X<sup>3</sup> and X<sup>4</sup> represents an alkyl group having from 1 to 5 carbon atoms, an alkoxyl group or a halogen atom;



wherein each of X<sup>5</sup> and X<sup>6</sup> represents a single bond or an alkylene group having from 1 to 5 carbon atoms, and X<sup>7</sup> represents a single bond, an alkyl group having from 1 to 5 carbon atoms or an alkylene group having from 1 to 5 carbon atoms;



wherein  $X^8$  represents an alkylene group having from 1 to 18 carbon atoms; or



wherein each of  $X^9$  and  $X^{10}$  represents a single bond or an alkylene group having from 1 to 5 carbon atoms. In addition, the polycarbodiimide copolymer of the present invention is produced by carrying out a carbodiimidation reaction of naphthalene diisocyanate, an organic diisocyanate of formula (3) to (7), and a monoisocyanate.

Saito does not disclose, teach or suggest polycarbodiimide resin comprising two different types of organic diisocyanate residues, particularly the combination of a naphthalene diisocyanate and the a diisocyanate selected from formulae (3) to (7). Thus, it is respectfully submitted that the polycarbodiimide copolymer and the process of preparing the polycarbodiimide copolymer are not taught or suggested by Saito.

Accordingly, withdrawal of the foregoing rejection is respectfully requested.

#### **IV. Conclusion**

For the above reasons, reconsideration and allowance of claims 1-5 is respectfully requested.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

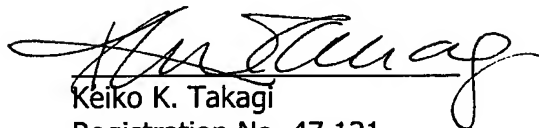
The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

**AMENDMENT UNDER 37 C.F.R. § 1.111**  
**U.S. Application No. 10/773,296**

**Attorney Docket Q79398**

overpayments to said Deposit Account.

Respectfully submitted,



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